

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(77) 415 final

Brussels, 15 September 1977.

## Drafts for a DECISION OF THE EEC-TURKEY ASSOCIATION COUNCIL ---

- amending Decision No 5/72 on methods of administrative cooperation for implementation of Articles 2 and 3 of the Additional Protocol to the Ankara Agreement;
- on the application of Article 3 of the Additional Protocol to the Ankara Agreement to goods obtained in the Member States of the Community;
- amending Decision No 3/72 laying down the rules for the compensatory levy provided for in Article 3 (1) of the Additional Protocol to the Ankara Agreement.

## Proposals for a REGULATION (EEC) OF THE COUNCIL ---

- on the application of Decisions No /77 of the EEC-Turkey Association Council amending Decision No 5/72 on methods of administrative cooperation for implementation of Articles 2 and 3 of the Additional Protocol to the Ankara Agreement;
- on the application of the provisions adopted under the Association established between the European Economic Community and Turkey relating to the movement of goods in the manufacture of which are used products coming from third countries and not in free circulation in either the Community or Turkey.

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(submitted to the Council by the Commission)



EXPLANATORY MEMORANDUM

I. The EEC-Turkey Customs Cooperation Committee has prepared three draft decisions to be approved by the Association Council before mid-October.

The first draft decision is to replace the models of the A.TR.1 and A.TR.3 movement certificates currently in force by models aligned on the outline form drawn up under the aegis of the United Nations Economic Commission for Europe (Annex A/I).

The second draft decision is concerned with the percentage of the Common Customs Tariff duties to be taken into consideration to determine the rate of the levy referred to in Article 3 of the Additional Protocol charged on goods obtained in the Community under the conditions stated in the said Article (Annex A/II).

The purpose of the third draft decision is to align the rules for the charging of the countervailing levy on the provisions established by the Council Directive on the harmonization of provisions laid down by law, regulation or administrative action in respect of inward processing (Directive 69/73/EEC - OJ L 58, 8.3.1969) Annex A/III).

The three draft decisions received a favourable opinion from the Customs Cooperation Committee.

II. To ensure the execution by the Community of the decisions of the Association Council, it is necessary:

as regards the first decision referred to above:

to adapt Regulation (EEC) No 428/73 of 5 February 1973 adopted pursuant to Article 113 of the EEC Treaty for the implementation of Decision No 5/72 of the Association Council;

as regards the other two decisions referred to above:

to adopt, pursuant to Article 113 of the EEC Treaty, a regulation incorporating all the measures adopted by the Association Council relating to the charging of the countervailing levy provided for in Article 3 of the Additional Protocol, insofar as those measures relate to goods obtained in the Community.

The corresponding proposals for regulations are annexed hereto (Annexes B/I and B/II).

DECISION No 177 of the EEC-TURKEY  
ASSOCIATION COUNCIL

OF

amending Decision No 5/72 on methods of administrative  
cooperation for implementation of Articles 2 and 3  
of the Additional Protocol to the Ankara Agreement

THE COUNCIL OF ASSOCIATION,

Having regard to the Agreement establishing an Association between  
the European Economic Community and Turkey;

Having regard to the Additional Protocol to the said agreement, and in  
particular Article 4 thereof;

Whereas the Community is aligning most of the customs documents used in  
international trade on the lay-out key of the Economic Commission  
for Europe; whereas it is accordingly necessary to substitute specimen  
movement certificates A.TR 1 and A.TR 3 aligned on that key in place  
of the specimens annexed to Decision No 5/72 of 29 December 1972 on the  
methods of administrative co-operation for implementation of Articles 2  
and 3 of the Additional Protocol to the Ankara Agreement.

HAS DECIDED AS FOLLOWS :

Article 1

1. The specimens of movement certificates A.TR.1 and A.TR.3 annexed  
to Decision No 5/72 are replaced by the specimens annexed to this  
Decision.
2. Movement certificates A.TR.1 and A.TR.3 complying with the former  
specimens may continue to be used until 31 December 1978.

Article 2

This Decision shall apply with effect from 1 January 1978.

Done at .....

For the Council of Association

The President



# MOVEMENT CERTIFICATE

<b>1. Exporter</b> (Name, full address, country)	<b>A.T.R. 1</b> N° <b>A</b> 000000	
	See notes overleaf before completing this form	
<b>3. Consignee</b> (Name, full address, country) (Optional)	<b>2. Transport document</b> (Optional) No. _____ date _____	
	<b>4.</b> ASSOCIATION between the EUROPEAN ECONOMIC COMMUNITY and TURKEY	
<b>7. Transport details</b> (Optional)	<b>5. Country of exportation</b>	<b>6. Country of destination (1)</b>
	<b>8. Remarks (2)</b>	
<b>9. Item number</b>	<b>10. Marks and numbers;</b> Number and kind of packages (for goods in bulk, indicate the name of the ship or the number of the railway wagon or road vehicle); description of goods	
	<b>11. Gross weight (kg) or other measure (hl, m³, etc.)</b>	
<b>12. CUSTOMS ENDORSEMENT</b> Declaration certified _____ Export document (3) _____ Form _____ No _____ Customs office _____ Issuing country _____ Date _____ (Signature) _____	<b>13. DECLARATION BY THE EXPORTER</b> I, the undersigned, declare that the goods described above meet the conditions required for the issue of this certificate. Place and date _____ (Signature) _____	

(1) Insert the Member State or Turkey

(2) Insert where appropriate "Compensatory levy EEC-Turkey"

(3) Complete only where the exporting country requires

<p><b>14. REQUEST FOR VERIFICATION, to</b></p>   <p>Verification of the authenticity and accuracy of this certificate is requested.</p>  <p style="text-align: center;">(Place and date) <span style="float: right;">Stamp</span></p>  <p style="text-align: center;">(Signature)</p>	<p><b>15. RESULT OF VERIFICATION</b></p> <p>Verification carried out shows that this certificate (1)</p> <div style="margin-top: 10px;"> <input type="checkbox"/> was issued by the Customs Office indicated and that the information contained therein is accurate.         </div> <div style="margin-top: 10px;"> <input type="checkbox"/> does not meet the requirements as to authenticity and accuracy (see remarks appended).         </div>  <p style="text-align: center;">(Place and date) <span style="float: right;">Stamp</span></p>  <p style="text-align: center;">(Signature)</p> <p style="font-size: small;">(1) Insert X in the appropriate box.</p>
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### I. GOODS FOR WHICH A MOVEMENT CERTIFICATE A. TR. 1 MAY BE ENDORSED

1. A movement certificate A. TR. 1 may be endorsed only for goods which, in the exporting State, fall within one of the following categories:

- (a) goods produced in the exporting State, including those obtained or produced wholly or partly from products on which the applicable customs duties or charges having equivalent effect have been levied and which have not benefited from a total or partial drawback of such duties or charges;
- (b) goods in free circulation in the exporting State, (goods coming from a third country, in respect of which import formalities have been complied with and any customs duties or charges having equivalent effect have been levied, and which have not benefited from a total or partial drawback of such duties or charges);
- (c) goods obtained or produced within the exporting State, and in the manufacture of which have been used products on which the applicable customs duties or charges having equivalent effect have not been levied or which have benefited from a total or partial drawback of such duties or charges, subject to the collection, where appropriate, of the compensatory levy prescribed for them;

**Note:** The statement "Compensatory Levy—Turkey" must appear on all movement certificates A. TR. 1 for goods obtained or produced in the Community from products coming from a third country on which the applicable customs duties and charges having equivalent effect have not been levied in either the Community or Turkey.

- (d) goods originally imported from a State party to the Agreement and which on exportation fall within one of the categories (a), (b) or (c) above.

**Note:** In the case of goods originally imported into the exporting State under the cover of a movement certificate bearing the statement "Compensatory Levy—Turkey", the movement certificate or certificates A. TR. 1 issued in lieu of the latter must also bear the statement "Compensatory Levy—Turkey".

- 2. Agricultural products must also comply with the additional origin conditions laid down for them.

- 3. Movement certificates A. TR. 1 may not be endorsed for goods originally imported from a third country under a preferential customs system because of their country of origin or place of consignment and accordingly such goods may not be regarded as in free circulation within the meaning of the Association Agreement.

### II. SCOPE OF THE MOVEMENT CERTIFICATE A. TR. 1

The movement certificate A. TR. 1 may be used only if the goods to which it relates are transported direct from the exporting State to the importing State.

The following shall be considered as transported direct from the exporting State to the importing State:

- (a) goods transported without passing through territories other than those of the Community or Turkey;
- (b) goods transported through territories other than those of the Community or Turkey or with transshipment in such territories provided that carriage through such territories or transshipment is covered by a single transport document made out in the Community or Turkey.

**Note:** Before requesting endorsement of movement certificate A. TR. 1 by the customs authorities of the exporting State, the exporter must satisfy himself that the goods will in fact be transported direct to the importing State. Goods not transported direct are eligible for preferential treatment only if a movement certificate A. TR. 3 is produced.

### III. RULES FOR COMPLETING THE MOVEMENT CERTIFICATE A. TR. 1

- 1. The movement certificate A. TR. 1 must be completed in one of the languages in which the Agreement is drawn up and shall comply with the internal laws of the exporting State. Where the certificate is completed in Turkish, it may also be completed in one of the official languages of the Community.

- 2. The movement certificate A. TR. 1 must be typed or handwritten; if the latter it must be completed in ink in block letters. It must not contain any erasure or superimposed correction. Any alteration must be made by deleting the incorrect particulars and adding any necessary corrections. Any such alteration must be initialed by the person who completed the certificate and endorsed by the customs authorities.

- 3. Each item listed in the movement certificate A. TR. 1 must be preceded by a serial number. A horizontal line must be drawn immediately after the last entry. Unused space must be struck through so as to make any later addition impossible.

- 4. Goods must be described in accordance with commercial usage and in sufficient detail to enable them to be identified.

- 5. The exporter or the carrier may complete the part of the certificate reserved for the declaration by the exporter by a reference to the transport document. It is also recommended that the exporter or the carrier show on the transport document covering the despatch of the goods the serial number of the movement certificate A. TR. 1.

### IV. EFFECT OF THE MOVEMENT CERTIFICATE A. TR. 1

When properly used, the movement certificate A. TR. 1 enables the goods described therein to benefit in the importing State from the progressive elimination of customs duties, quantitative restrictions, and all other measures having equivalent effect. However, when the movement certificate bears the statement "Compensatory Levy—Turkey", goods described therein shall not be eligible for this preferential treatment in the

Member States of the E. E. C.

The customs authorities of the importing State may, if they consider it to be necessary, require any other documentary evidence and in particular transport documents under cover of which the goods were dispatched.

### V. TIME LIMIT FOR SUBMISSION OF THE MOVEMENT CERTIFICATE A. TR. 1

The movement certificate A. TR. 1 must be produced at the customs office of the importing Member State where the goods are presented, within a

period of three months from the date of endorsement.



# MOVEMENT CERTIFICATE

1. Exporter (Name, full address, country)		A. TR. 3 No. A-000000		
		See notes overleaf before completing this form.		
3. Consignee (Name, full address, country) (Optional)		2. Transport document (Optional) No. _____ date _____		
		4. ASSOCIATION between the EUROPEAN ECONOMIC COMMUNITY and TURKEY		
(1) Insert where ap- propriate Compensatory levy EEC- Turkey		5. Country of exportation		6. Country of destination at the time of export
		7. Transport details (Optional)		
9. Item num- ber		8. Remarks (1)		
		10. Marks and numbers; Number and kind of packages (for goods in bulk, indicate the name of the ship or the number of the railway wagon or road vehicle); description of goods		
		11. Tariff number	12. Gross weight (kg)	13. Net weight (kg) or other measure (hl, m <sup>3</sup> , etc.)
14. CUSTOMS ENDORSEMENT Result of customs examination and indication of means of identification (2)				
(2) See note overleaf.		15. DECLARATION BY THE EXPORTER		
		I, the undersigned, declare that the goods described above meet the conditions required for the issue of this certificate. Place of loading: _____ Place and date: _____ (Signature) _____		
(3) Complete only where the export- ing coun- try re- quires		Declaration certified Export document (3): _____ Form: _____ No. _____ Customs office: _____ Issuing country: _____ Date: _____ (Signature) _____		

<b>16. REQUEST FOR VERIFICATION, to</b>  <div style="border: 1px solid black; height: 40px; margin: 10px 0;"></div> <p>Verification of the authenticity and accuracy of this certificate is requested.</p> <p style="text-align: center;">(Signature)</p>	<b>17. RESULT OF VERIFICATION</b>  <p>Verification carried out shows that this certificate (1)</p> <div style="display: flex; align-items: flex-start;"> <input style="margin-right: 10px;" type="checkbox"/> <div>was issued by the Customs Office indicated and that the information contained therein is accurate.</div> </div> <div style="display: flex; align-items: flex-start;"> <input style="margin-right: 10px;" type="checkbox"/> <div>does not meet the requirements as to authenticity and accuracy (see remarks appended).</div> </div> <p style="text-align: center;">(Place and date) <span style="float: right;">Stamp</span></p> <p style="text-align: center;">(Signature)</p> <p style="text-align: center;">(1) Insert X in the appropriate box.</p>
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### I. GOODS FOR WHICH A MOVEMENT CERTIFICATE A. TR. 3 MAY BE ISSUED

1. A movement certificate A. TR. 3 may be issued only for goods which in the exporting State, fall within one of the following categories:

- (a) goods produced in the exporting State, including those obtained or produced wholly or partly from products on which the applicable customs duties or charges having equivalent effect have been levied and which have not benefited from a total or partial drawback of such duties or charges;
- (b) goods in free circulation in the exporting State, (goods coming from a third country, in respect of which import formalities have been complied with and any customs duties or charges having equivalent effect have been levied, and which have not benefited from a total or partial drawback of such duties or charges);
- (c) goods obtained or produced within the exporting State, and in the manufacture of which have been used products on which the applicable customs duties or charges having equivalent effect have not been levied or which have benefited from a total or partial drawback of such duties or charges, subject to the collection, where appropriate, of the compensatory levy prescribed for them;

Note: The statement "Compensatory Levy—Turkey" must appear on all movement certificates A. TR. 3 for goods obtained or produced in the Community from products coming from a third

country and on which the applicable customs duties and charges having equivalent effect have not been levied in either the Community or Turkey.

- (d) goods originally imported from a State party to the Agreement and which on exportation fall within one of the categories (a), (b) or (c) above.  
 Note: In the case of goods originally imported into the exporting State under the cover of a movement certificate bearing the statement "Compensatory Levy—Turkey", the movement certificate or certificates A. TR. 3 issued in lieu of the latter must also bear the statement "Compensatory Levy—Turkey".

2. Agricultural products must also comply with the additional origin conditions laid down for them.

3. Movement certificates A. TR. 3 may not be issued for goods:

- (a) which, in accordance with the provisions applicable to them, must be transported direct from the exporting State to the importing State;
- (b) which were originally imported from a third country under a preferential customs system because of their country of origin or place of consignment and accordingly such goods may not be regarded as in free circulation within the meaning of the Association Agreement.

### II. SCOPE OF THE MOVEMENT CERTIFICATE A. TR. 3

A movement certificate A. TR. 3 may be used in all cases where a movement certificate A. TR. 1 cannot be used owing to the fact that the goods are not transported direct from the exporting State to the importing State:

The following shall be considered as transported direct from the exporting State to the importing State:

- (a) goods transported without passing through territories other than those of the Community or Turkey;

- (b) goods transported through territories other than those of the Community or Turkey or with transshipment in such territories provided that carriage through such territories or transshipment is covered by a single transport document made out in the Community or Turkey.

In particular, the movement certificate A. TR. 3 may be used for goods exported from a State party to the Agreement to a country not party to the Agreement, from which they are liable to be re-exported subsequently to a State party to the Agreement.

### III. RULES FOR COMPLETING THE MOVEMENT CERTIFICATE A. TR. 3

1. The movement certificate A. TR. 3 must be completed in one of the languages in which the Agreement is drawn up and shall comply with the internal laws of the exporting State. Where the certificate is completed in Turkish, it may also be completed in one of the official languages of the Community.

2. The movement certificate A. TR. 3 must be typed or handwritten; if the latter it must be completed in ink in block letters. It must not contain any erasure or superimposed correction. Any alteration must be made by deleting the incorrect particulars and adding any necessary corrections. Any such alteration must be initialed by the person who completed the certificate and endorsed by the customs authorities.

3. The "declaration by the exporter" on the second page of the movement certificate A. TR. 3 must be completed in full. In particular,

the place of loading, the date of dispatch and the country of destination at the time of export must be stated.

4. Each item listed in the movement certificate A. TR. 3 must be preceded by a serial number. A horizontal line must be drawn immediately after the last entry. Unused space must be struck through so as to make any later addition impossible.

5. Goods must be described in accordance with commercial usage and in great detail so as to ensure that they can be identified easily. The description of the goods must include the number of the tariff heading applicable to each item.

The exporter must include with the movement certificate A. TR. 3 all documents such as plans, drawings, photographs or commercial prospectuses, etc., which may help identification. If they consider it necessary, the customs authorities of the exporting country shall annex these documents to the movement certificate A. TR. 3.

### IV. EFFECT OF THE MOVEMENT CERTIFICATE A. TR. 3

A movement certificate A. TR. 3 enables the goods described therein to benefit from the progressive elimination of customs duties, quantitative restrictions and all other measures having equivalent effect, where there is no doubt that the goods actually imported are those described in that movement certificate—A. TR. 3. However, when the movement certificate A. TR. 3 bears the statement "Compensatory Levy—Turkey", goods described therein shall not be eligible for this preferential treatment in the Member States of the E. E. C. The customs authorities of the importing State may require submission of any supporting evidence if they consider there is doubt as to the identity of the goods and may exclude the goods from the progressive elimination of customs duties, quantitative restrictions and all measures having equivalent effect if satisfactory evidence cannot be produced.

ment in the Member States of the E. E. C. The customs authorities of the importing State may require submission of any supporting evidence if they consider there is doubt as to the identity of the goods and may exclude the goods from the progressive elimination of customs duties, quantitative restrictions and all measures having equivalent effect if satisfactory evidence cannot be produced.

### V. TIME LIMIT FOR SUBMISSION OF THE MOVEMENT CERTIFICATE A. TR. 3

The movement certificate A. TR. 3 must be submitted to the customs authorities of the importing State within a period of six months from

the date of issue. It shall be valid only for the quantities of goods presented in that State during those six months.

DECISION No..../77 OF THE EEC-TURKEY

ASSOCIATION COUNCIL

on the application of Article 3  
of the Additional Protocol to the Ankara  
Agreement to goods obtained in the Member  
States of the Community

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THE ASSOCIATION COUNCIL,

HAVING REGARD to the Agreement establishing an Association between the  
European Economic Community and Turkey;

HAVING REGARD TO THE Additional Protocol to the said Agreement, and in  
particular Article 3 thereof;

WHEREAS the provisions of Title I, Chapter I, Section I, and of Chapter II  
of the Additional Protocol apply to goods obtained in the European Economic  
Community under the conditions referred to in Article 3(1) of the said  
Protocol only if the exporting State charges a countervailing levy, the  
rate of which is based on the tariff reduction granted on those goods in  
Turkey; whereas this levy is not charged while the rate of tariff reduction  
does not exceed 20%;

WHEREAS on 1 January 1978 Turkey will effect a further reduction of customs  
duties equal to 10% of the basic duties on the goods covered by Article 10  
of the Additional Protocol, thereby bringing the total rate of reductions  
effected by that date to 30% of the basic duties; whereas it is therefore  
necessary to charge, from that date, a countervailing levy for the afore-  
mentioned goods obtained in the Community;

WHEREAS it is appropriate, in the interests of users and in order to simplify  
the task of the customs authorities, to fix now the percentages to be used  
to calculate the rates of this countervailing levy for the whole of the  
period referred to in Article 10(2) of the Additional Protocol;

WHEREAS, in respect of the products covered by the Treaty establishing the European Coal and Steel Community, it is necessary to specify that these percentages apply to the duties of the ECSC unified tariff,

HAS DECIDED AS FOLLOWS :

Article 1

The percentages of the customs duties of the Common Customs Tariff to be used to calculate the rates of the Levy referred to in Article 3(1) of the Additional Protocol in respect of goods obtained in Member States of the Community and covered by Article 10 of the said Protocol shall be as follows:

- for the period from 1 January 1978 to 31 December 1978 30%
- for the period from 1 January 1979 to 31 December 1979 40%
- for the period from 1 January 1980 to 31 December 1980 50%
- for the period from 1 January 1981 to 31 December 1981 60%
- for the period from 1 January 1982 to 31 December 1982 70%
- for the period from 1 January 1983 to 31 December 1983 80%
- for the period from 1 January 1984 to 31 December 1984 90%
- as from 1 January 1985 100%

Article 2

In the case of goods manufactured from products which come within the province of the European Coal and Steel Community, the percentage referred to in Article 1 shall apply to the customs duties of the unified tariff in respect of such products as are used in the manufacture of the goods.

Article 3

This Decision shall apply with effect from 1 January 1978

Done at.....

For the Association Council

The President

DECISION No /77 OF THE EEC-TURKEY

COUNCIL OF ASSOCIATION

amending Decision No 3/72 laying down the  
rules for the compensatory levy provided for in  
Article 3(1) of the Additional Protocol to the  
Ankara Agreement

THE COUNCIL OF ASSOCIATION,

Having regard to the Agreement establishing an Association between the  
European Economic Community and Turkey;

Having regard to the Additional Protocol, and in particular Article 6 thereof;

Whereas Decision No 3/72 laid down the rules for the compensatory levy pro-  
vided for in Article 3(1) of the Additional Protocol, taking into account  
the rules applicable in trade between the Member States before 1 July 1968.

Whereas the rules currently in force concerning the countervailing levy to  
be charged, where appropriate, in trade between the original Member States  
and the new Member States and between the new Member States themselves differ  
from the previous rules as regards the date which determines the rate of the  
levy; whereas it seems appropriate to adapt the provisions applicable within the  
Association accordingly;

HAS DECIDED AS FOLLOWS :

Article 1

Article 2 of Decision No 3/72 is hereby replaced by the following articles:

"Article 2

The date which determines the percentage of the compensatory levy shall  
be that on which the customs office accepts the document by which the  
declarant states his intention to export the goods referred to in Article 1.  
However, where the goods have been warehoused in a customs warehouse or  
placed in a free zone in the State of manufacture before being exported, the  
date which determines the percentage shall be that on which the customs office

accepts the document by which the declarant states his intention to place the goods in question under one of the said systems.

Article 2a

The date which determines the rate of the duties shall be that on which the products from countries outside the Association were admitted to the system under which manufacture took place."

Article 2

This Decision shall apply with effect from 1 January 1978.

Done at .....

For the Council of Association

The President

Proposal

for a

REGULATION (EEC) No        OF THE COUNCIL  
on the application of Decisions No    /77  
of the EEC-Turkey Association Council amending  
Decision No 5/72 on methods of administrative  
cooperation for implementation of Articles 2 and 3  
of the Additional Protocol to the Ankara Agreement

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,  
and in particular Article 113 thereof;

Having regard to the proposal from the Commission;

Whereas Council Regulation (EEC) No 428/73(1) of 5 February 1973 on the application of Decisions Nos 5/72 and 4/72 of the Association Council provided for under the Agreement establishing an Association between the European Economic Community and Turkey, as last amended by Regulation (EEC) No 2340/76 (2), implemented in the Community the methods of administrative cooperation laid down by Decision No 5/72 of the EEC-Turkey Association Council on methods of administrative cooperation for implementation of Articles 2 and 3 of the Additional Protocol to the Ankara Agreement ;

Whereas these methods have been amended by Decision No    /77 of the Association Council and it is therefore necessary to take the necessary measures to implement this Decision in the Community;

HAS ADOPTED THIS REGULATION:

Article 1

Decision No    /77 of the Association Council (annexed to this Regulation) shall apply in the Community\* for the purposes of the methods of administrative cooperation for implementation of Articles 2 and 3 of the Additional Protocol to the Agreement establishing an Association between the European Economic Community and Turkey.

\* see Annex A/I

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(1) OJ No L 59, 5.3.1973, p.73

(2) OJ No L 265, 29.6.1976, p.3

Article 2

This Regulation shall enter into force on 1 January 1978.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at

For the Council

The President



Proposal  
for a  
REGULATION (EEC) No        OF THE COUNCIL  
of        1977

on the application of the provisions adopted under  
the Association established between the European  
Economic Community and Turkey relating to the movement of  
goods in the manufacture of which are used products coming  
from third countries and not in free circulation in  
either the Community or Turkey

THE COUNCIL OF THE EUROPEAN COMMUNITIES

Having regard to the Treaty establishing the European Economic Community,  
and in particular Article 113 thereof ;

Having regard to the proposal from the Commission ;

Whereas Article 3 of the Additional Protocol to the Agreement establishing  
an Association between the European Economic Community and Turkey laid down  
the conditions under which the provisions relating to free circulation may  
apply to goods in the manufacture of which are used products coming  
from third countries and not in free circulation in either the Community  
or Turkey; whereas these conditions entail, in particular, the charging  
of a levy by the country in which the goods are manufactured;

Whereas the procedure for the charging of the levy is laid down by  
Decision No 3/77 of the Association Council, as last amended by Decision  
No 177;

Whereas for goods obtained in Member States of the Community which are subject to the  
system provided for in Article 10 of the Additional Protocol to the  
Agreement establishing an Association between the European Economic  
Community and Turkey, the percentages to be taken into account as from  
1 January 1978 for the periods specified in the said Article 10 have been  
laid down by the EEC-Turkey Association Council;

Whereas measures are needed for these Decisions to be put into operation  
in the Community;  
HAS ADOPTED THIS REGULATION :

Article 1

For the purposes of the Additional Protocol to the Agreement establishing an Association between the European Economic Community and Turkey, goods manufactured in the Community, in the manufacture of which are used products imported from a country outside the Association and which were not, within the meaning of that Agreement, in free circulation in either the Community or Turkey, shall be considered as fulfilling the conditions for implementation of the provisions of the Additional Protocol relating to the progressive elimination in Turkey of customs duties, quantitative restrictions and all other measures having equivalent effect, provided the following provisions are complied with.

Article 2

The exporting Member State shall charge a levy on goods manufactured as provided in Article 1, the rate thereof being equal to a percentage of the duties in the Common Customs Tariff applicable to the products used in their manufacture.

As regards goods in the manufacture of which are used products which come within the province of the European Coal and Steel Community, this percentage shall apply to the customs duties of the unified tariff in respect of such products as are used in the manufacture of the goods.

Article 3

The levy charged on goods manufactured under the conditions specified in Article 1 shall be calculated by reference to the type and value - or, where appropriate, on some other basis of assessment - of the products imported from countries outside the Association and used in the manufacture of the aforesaid goods, as determined by customs when those goods were admitted to the customs procedure under which manufacture took place.

Article 4

The relevant date which determines the rate of the levy shall be that on which the customs office accepts the document whereby the declarant states his intention of exporting the goods referred to in Article 1. However, when the goods have been warehoused in a customs warehouse or placed in a free zone in <sup>the</sup> country of manufacture before being exported, the relevant date shall be that on which the customs office accepts the document whereby the declarant states his intention to place the goods

.../...

in question under one of the said customs procedures.  
The date which determines the rate of the customs duties shall be that on which the products from countries outside the Association were entered to the customs procedure under which manufacture took place.

#### Article 5

1. The percentage of the customs duties of the Common Customs Tariff to be used to calculate the rates of the levy referred to in Article 3(1) of the Additional Protocol in respect of goods obtained in Member States of the Community and covered by Article 10 of the said Protocol shall be as follows:

- for the period from 1 January 1978 to 31 December 1978	30%
- for the period from 1 January 1979 to 31 December 1979	40%
- for the period from 1 January 1980 to 31 December 1980	50%
- for the period from 1 January 1981 to 31 December 1981	60%
- for the period from 1 January 1982 to 31 December 1982	70%
- for the period from 1 January 1983 to 31 December 1983	80%
- for the period from 1 January 1984 to 31 December 1984	90%
- as from 1 January 1985	100%

2. In derogation from Article 2, no levy shall be charged if the date provided for in the first paragraph of Article 4 falls before 1 January 1978.

#### Article 6

This Regulation shall enter into force on 1 January 1978.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at

For the Council

The President

